

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 07 Cr. 672 (RJH)
:
-against- :
:
CLAUDIA FRANCIS, :
:
Defendant. :
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AFFIRMATION OF VINCENT L. BRICCETTI

VINCENT L. BRICCETTI, an attorney admitted to practice before this Court, affirms under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I represent defendant Claudia Francis. This affirmation is submitted in support of the defendant's pretrial motions.

2. Also submitted in support of the pretrial motions are affirmations from Claudia Francis, Bradford Francis, and Gary Francis, each of which relates to the events of June 28, 2007, the day of Ms. Francis's arrest and the search of her home.

3. Attached hereto as Exhibit A is the indictment in this case.

4. Attached hereto as Exhibit B is the search warrant and search warrant application, dated June 28, 2007, including the affidavit of FBI Special Agent Cordel James in support of the search warrant application.

5. Attached hereto as Exhibit C is the ten-page search warrant inventory of items seized, as well as an additional two pages of inventories listing the contents of two safes that were searched.

6. Attached hereto collectively as Exhibit D is correspondence between the undersigned

and the prosecutor relating to the defense's request for photographs of items seized, as well as photographs and videotapes taken during the course of the search and records (digital or otherwise) relating to the date and time such photographs and/or videotapes were taken. .

7. For the reasons set forth in the accompanying memorandum of law, the Court should conduct an evidentiary hearing on defendant's motion to suppress evidence, and should exclude from the trial the evidence seized from defendant's home. With the Court's permission, the defendant reserves the right to submit a post-hearing brief in this matter. The Court should also direct the government to make early disclosure of a witness list; an exhibit list; witness statements and impeachment material; and Rule 404(b) evidence. Finally, the defendant requests that the Court direct the government to provide a bill of particulars as set forth below:

- (1) Describe the means and methods of the alleged conspiracy.
- (2) Describe how the alleged credit card fraud scheme was devised, and how it functioned.
- (3) Describe how the unauthorized credit cards or credit card information was obtained.
- (4) Describe the roles of each of the co-conspirators, especially the role of Claudia Francis.
- (5) Identify who made the unauthorized purchases of the goods later returned for credit, and when and where those purchases were made.
- (6) Explain how the proceeds of the alleged scheme were divided among the alleged co-conspirators.

Dated: White Plains, NY
February 1, 2008

s/ Vincent L. Briccetti

Vincent L. Briccetti